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HB 5303, Engrossed 1

2023 Legislature

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 2 An act relating to biomedical research; amending s.
 3 20.435, F.S.; expanding the uses of the Biomedical
 4 Research Trust Fund; amending s. 381.915, F.S.;
 5 revising a definition; authorizing a specified amount
 6 from the total appropriated funds for the Casey
 7 DeSantis Cancer Research Program to be distributed to
 8 participating cancer centers; requiring a report for
 9 specified statewide cancer statistics to include
 10 breast cancer; amending s. 381.922, F.S.; removing a
 11 certain award of an endowment for a specified program;
 12 providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (a) of subsection (7) of section
 17 20.435, Florida Statutes, is amended to read:

18 20.435 Department of Health; trust funds.—The following
 19 trust funds shall be administered by the Department of Health:

20 (7) Biomedical Research Trust Fund.

21 (a) Funds to be credited to the trust fund shall consist
 22 of funds appropriated by the Legislature. Funds shall be used
 23 for the purposes of the James and Esther King Biomedical
 24 Research Program, the Casey DeSantis Cancer Research Program,
 25 ~~and~~ the William G. "Bill" Bankhead, Jr., and David Coley Cancer

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26 | Research Program as specified in ss. 215.5602, ~~288.955~~, 381.915,
 27 | and 381.922, and other cancer research initiatives as
 28 | appropriated by the Legislature. The trust fund is exempt from
 29 | the service charges imposed by s. 215.20.

30 | Section 2. Subsections (7), (8), and (9) of section
 31 | 381.915, Florida Statutes, are renumbered as subsections (8),
 32 | (9), and (10), respectively, subsection (2), paragraph (b) of
 33 | subsection (3), subsection (4), and paragraph (a) of present
 34 | subsection (7) are amended, and a new subsection (7) is added to
 35 | that section, to read:

36 | 381.915 Casey DeSantis Cancer Research Program.—

37 | (2) The Casey DeSantis Cancer Research Program is
 38 | established to enhance the quality and competitiveness of cancer
 39 | care in this state, further a statewide biomedical research
 40 | strategy directly responsive to the health needs of Florida's
 41 | citizens, and capitalize on the potential educational
 42 | opportunities available to its students. The department shall
 43 | make payments to ~~Florida-based~~ cancer centers recognized by the
 44 | National Cancer Institute (NCI) at the National Institutes of
 45 | Health as NCI-designated cancer centers or NCI-designated
 46 | comprehensive cancer centers, and cancer centers working toward
 47 | achieving NCI designation. The department shall distribute funds
 48 | to participating cancer centers on a quarterly basis during each
 49 | fiscal year for which an appropriation is made.

50 | (3) On or before September 15 of each year, the department

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51 shall calculate an allocation fraction to be used for
 52 distributing funds to participating cancer centers. On or before
 53 the final business day of each quarter of the state fiscal year,
 54 the department shall distribute to each participating cancer
 55 center one-fourth of that cancer center's annual allocation
 56 calculated under subsection (6). The allocation fraction for
 57 each participating cancer center is based on the cancer center's
 58 tier-designated weight under subsection (4) multiplied by each
 59 of the following allocation factors based on activities in this
 60 state: number of reportable cases, peer-review costs, and
 61 biomedical education and training. As used in this section, the
 62 term:

63 (b) "Cancer center" means a comprehensive center with at
 64 least one geographic site in the state, a freestanding center
 65 located in the state, a center situated within an academic
 66 institution, or a Florida-based formal research-based consortium
 67 under centralized leadership that has achieved NCI designation
 68 or is prepared to achieve NCI designation by June 30, 2024 ~~July~~
 69 ~~1, 2019~~.

70 (4) Tier designations and corresponding weights within the
 71 Casey DeSantis Cancer Research Program are as follows:

72 (a) Tier 1: ~~Florida-based~~ NCI-designated comprehensive
 73 cancer centers, which shall be weighted at 1.5.

74 (b) Tier 2: ~~Florida-based~~ NCI-designated cancer centers,
 75 which shall be weighted at 1.25.

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76 (c) Tier 3: ~~Florida-based~~ Cancer centers seeking
 77 designation as either a NCI-designated cancer center or NCI-
 78 designated comprehensive cancer center, which shall be weighted
 79 at 1.0.
 80 1. A cancer center shall meet the following minimum
 81 criteria to be considered eligible for Tier 3 designation in any
 82 given fiscal year:
 83 a. Conducting cancer-related basic scientific research and
 84 cancer-related population scientific research;
 85 b. Offering and providing the full range of diagnostic and
 86 treatment services on site, as determined by the Commission on
 87 Cancer of the American College of Surgeons;
 88 c. Hosting or conducting cancer-related interventional
 89 clinical trials that are registered with the NCI's Clinical
 90 Trials Reporting Program;
 91 d. Offering degree-granting programs or affiliating with
 92 universities through degree-granting programs accredited or
 93 approved by a nationally recognized agency and offered through
 94 the center or through the center in conjunction with another
 95 institution accredited by the Commission on Colleges of the
 96 Southern Association of Colleges and Schools;
 97 e. Providing training to clinical trainees, medical
 98 trainees accredited by the Accreditation Council for Graduate
 99 Medical Education or the American Osteopathic Association, and
 100 postdoctoral fellows recently awarded a doctorate degree; and

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101 f. Having more than \$5 million in annual direct costs
 102 associated with their total NCI peer-reviewed grant funding.

103 2. The General Appropriations Act or accompanying
 104 legislation may limit the number of cancer centers which shall
 105 receive Tier 3 designations or provide additional criteria for
 106 such designation.

107 3. A cancer center's participation in Tier 3 may not
 108 extend beyond June 30, 2024.

109 4. A cancer center that qualifies as a designated Tier 3
 110 center under the criteria provided in subparagraph 1. by July 1,
 111 2014, is authorized to pursue NCI designation as a cancer center
 112 or a comprehensive cancer center until June 30, 2024.

113 (7) The amount of \$37,771,257 from the total funds
 114 appropriated in the General Appropriations Act for the Casey
 115 DeSantis Cancer Research Program shall be excluded from the
 116 annual allocation fraction calculation under subsection (5). The
 117 excluded amount shall be distributed to participating cancer
 118 centers in the same proportion as determined by the allocation
 119 fraction calculation.

120 (8)-(7) Beginning July 1, 2017, and every 3 years
 121 thereafter, the department, in conjunction with participating
 122 cancer centers, shall submit a report to the Cancer Control and
 123 Research Advisory Council on specific metrics relating to cancer
 124 mortality and external funding for cancer-related research in
 125 the state. If a cancer center does not endorse this report or

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126 produce an equivalent independent report, the cancer center
 127 shall be suspended from the program for 1 year. The report must
 128 include:

129 (a) An analysis of trending age-adjusted cancer mortality
 130 rates in the state, which must include, at a minimum, overall
 131 age-adjusted mortality rates for cancer statewide and age-
 132 adjusted mortality rates by age group, geographic region, and
 133 type of cancer, which must include, at a minimum:

- 134 1. Lung cancer.
- 135 2. Pancreatic cancer.
- 136 3. Sarcoma.
- 137 4. Melanoma.
- 138 5. Leukemia and myelodysplastic syndromes.
- 139 6. Brain cancer.
- 140 7. Breast cancer.

141 Section 3. Subsection (4) of section 381.922, Florida
 142 Statutes, is amended to read:

143 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 144 Cancer Research Program.—

145 ~~(4) In order to attract and retain experienced research~~
 146 ~~talent and attendant national grant-producing researchers to~~
 147 ~~integrated cancer research and care institutions in this state,~~
 148 ~~the Department of Health shall award endowments to integrated~~
 149 ~~cancer research and care institutions for establishing a funded~~
 150 ~~research chair, pursuant to the General Appropriations Act,~~

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151 ~~specifying an appropriation for this purpose. Funding for the~~
152 ~~endowed chairs must be independent of funds appropriated~~
153 ~~pursuant to s. 215.5602(12). The purpose of the endowment is to~~
154 ~~provide secure funding for at least 7 years to attract an~~
155 ~~experienced and promising researcher whose continued employment~~
156 ~~for this period is not contingent upon grant awards associated~~
157 ~~with time-limited research projects. In addition, the~~
158 ~~Legislature intends for a research chair to specialize in a~~
159 ~~cancer-related research field that will facilitate coordination~~
160 ~~among research institutions within the state and attract other~~
161 ~~promising researchers and funding to the state.~~

162 ~~(a) Upon selection of an endowed research chair, the~~
163 ~~institution shall notify the chairs of the appropriations~~
164 ~~committees of the Senate and the House of Representatives. An~~
165 ~~institution funded pursuant to this subsection shall provide to~~
166 ~~the Governor, the President of the Senate, and the Speaker of~~
167 ~~the House of Representatives an annual progress report by~~
168 ~~December 15 that must, at a minimum, provide the research~~
169 ~~chair's name; the amount of the endowment fund used for the~~
170 ~~chair's salary; research responsibilities; the percentage of~~
171 ~~time devoted to research if the chair also serves as a member of~~
172 ~~the faculty; research progress; progress toward achieving the~~
173 ~~goals of this program; endowment expenditures; balance, interest~~
174 ~~rate, and interest earned on the endowment; and the amount of~~
175 ~~federal or private grants or donations generated, if any, as a~~

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176 | ~~result of the research chair's efforts.~~

177 | ~~(b) If an institution must replace an endowed research~~
178 | ~~chair, the endowment must cease funding expenses associated with~~
179 | ~~the endowed research chair, other than reasonable costs for~~
180 | ~~recruitment, until a replacement chair has been retained. While~~
181 | ~~the endowed research chair is vacant, the endowment must~~
182 | ~~continue to earn interest and all earnings must be added to the~~
183 | ~~balance of the endowment. A vacancy tolls the 7-year timeframe~~
184 | ~~for the endowed research chair.~~

185 | Section 4. This act shall take effect July 1, 2023.